



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
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NEW YORK, NY 10007-1866

JUN - 4 2009

Catherine Bohan, EIS Document Manager
West Valley Demonstration Project
U.S. Department of Energy
P.O. Box 2368
Germantown, MD 20874

Rating: EC-1

Dear Ms. Bohan:

The U.S. Environmental Protection Agency (EPA) has reviewed the revised draft environmental impact statement (RDEIS) for the Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center (WNYNSC) (CEQ #20080489). The WNYNSC is a 3,340 acre site located 30 miles south of Buffalo, New York. The WNYNSC was originally licensed by the Atomic Energy Commission in 1966, and closed in 1972. The site was the home of the only operational commercial nuclear fuel reprocessing facility in the United States. This review was conducted in accordance with Section 309 of the Clean Air Act, and the National Environmental Policy Act (NEPA).

In 1980, the West Valley Demonstration Act required the Department of Energy (DOE) to decontaminate and decommission, in accordance with any requirements prescribed by the Nuclear Regulatory Commission, the waste storage tanks and facilities used in the solidification of high-level radioactive waste, along with material and hardware used in connection with the West Valley Demonstration Project. This RDEIS consists of an analysis of environmental impacts associated with a range of reasonable alternatives for decommissioning and/or long-term stewardship of WNYNSC, as well as a No Action Alternative. The preferred alternative is the Phased Decision-making Alternative.

Under the Preferred Alternative, decommissioning would be accomplished in two phases: Phase 1 decisions would include removal of all Waste Management Area (WMA) 1 facilities, the source area of the North Plateau Groundwater Plume, and the lagoons in WMA 2. Phase 1 activities would also include additional characterization of site contamination and studies to provide additional technical information in support of the technical approach to be used to complete site decommissioning. Phase 2 would support the completion of decommissioning actions or long-term management. In general, the Phased Decision-making Alternative involves near-term decommissioning and removal

actions where there is agency consensus and undertakes characterization work and studies that could facilitate future decision-making for the remaining facilities or areas.

Based on our review of the RDEIS and the complex nature and long timeframe of the project, the EPA has rated the project and document "Environmental Concerns - Adequate" (EC-1). EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. (Rating descriptions are enclosed.)

Long-Term Storage

The Final EIS must include an update about the status of the Yucca Mountain Repository, and identify any additional environmental impacts that may occur at the WNYNSC due to the long-term storage of high level radioactive waste.

Air Quality

While Cattaraugus County is in attainment area of the National Ambient Air Quality Standards, EPA recommends that DOE utilize all possible measures to reduce emissions from off-road construction equipment. These measures could include lower-sulfur fuel exhaust retrofit technology, alternative fuels, and/or operational limitations. EPA also offers the following additional recommendations: (1) regularly maintain and tune engines and perform inspections; (2) require the use of newer diesel equipment; (3) reduce the number of heavy equipment trips; (4) reduce the amount of heavy equipment idling; and (5) avoid or minimize the siting of laydown areas near residences and sensitive receptors.

Sole Source Aquifer

As the site is located in the Cattaraugus Creek Aquifer System, designated by the EPA as a Sole Source Aquifer on September 25, 1987 (citation 52 FR36100), EPA has also reviewed the project in accordance with Section 1424(e) of the 1974 Safe Drinking Water Act, PL 93-523. Based on our review of the information provided, we do not anticipate that the preferred alternative will result in significant adverse impacts to ground water quality. Accordingly, the project satisfies the requirements of Section 1424(e).

Surface Water

On page 3-51, Section 3.6.1.1, the text states that several surface water locations "are scheduled for sampling in 2007." This information should be updated.

EPA also recommends that any near-term vegetation mitigation, particularly near surface waters, be created with plants native to western New York.

Additional detailed comments by document section or page are enclosed. Thank you for the opportunity to comment on this project. If you have any questions concerning our comments, please contact Lingard Knutson of my staff at (212) 637-3747.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John Filippelli", is written over the typed name.

John Filippelli, Chief
Strategic Planning and Multi-Media Programs Branch

Enclosures

June 2009

Additional EPA Region 2 Comments to the Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center RDEIS

Chapter 3, Section 3.13.2: EPA's National Environmental Performance Track program has been terminated; update accordingly.

Page 1-9, 1st paragraph: add “, if required,” between “assess” and “the ability of...”

Page 1-9, 5th paragraph: Replace the paragraph with the following: DOE and NYSDERDA are required to comply with the RCRA requirements for the management of hazardous wastes at and the remedial actions/cleanup of their respective site, as applicable. NYSDEC is the primary responsible agency for overseeing the management of hazardous wastes at the sites pursuant to the NYSDEC Part 373/RCRA requirements, and would issue a permit for the proper management of hazardous waste. NYSDEC and EPA are jointly responsible for the oversight of the site remedial actions/cleanup performed under the 1992 RCRA 3008(h) Consent Order. The aforementioned NYSDEC Part 373/RCRA permit, if and when issued, may also include applicable RCRA corrective action provisions which require remedial actions/cleanup necessary for the sites.

Section 2.2, 3rd paragraph, 2nd to last sentence: (1) replace “regulated facilities” with “hazardous wastes.”; (2) replace “containing hazardous waste or constituents.” with “and the implementation of remedial actions/cleanup necessary for the sites with respect to any hazardous waste constituents.”

Section 2.3.2.6. Table 2.2: needs to be revised to reflect that ground underneath the Old Sewage Treatment Facility needs to be decommissioned, as noted in the second paragraph under the section.

Section 3.6.2 Groundwater, Page 3-66, 1st Paragraph: Provide information on the effectiveness of the North Plateau Groundwater Remediation System in reducing Strontium-90 discounting any effectiveness due to dilution.

Appendix L. Page L-1, First Bullet: add “and/or other relevant RCRA oversight documents, if any.”

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."